

**ORDINANCE NO. 19-051**

**AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED", CHAPTER 23, "NUISANCES", BY ADDING ARTICLE VII. "STRUCTURES WITHIN THE STRAND/MECHANIC HISTORIC AREA" TO PROVIDE FOR THE PROTECTION, ENHANCEMENT AND PERPETUATION OF THE STRAND/MECHANIC HISTORIC DISTRICT'S ARCHITECTURAL HISTORY; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the protection, enhancement, and perpetuation of the Strand/Mechanic Historic District is a public necessity required in the interest of the health, prosperity, safety and welfare of the people of the city; and,

**WHEREAS**, the Strand / Mechanic Historic District is designated as a National Register Historic Landmark District, which is the highest level of historic designation in the country. The collection of cast-iron, Victorian era buildings is an important attraction to residents, tourists, and visitors; and,

**WHEREAS**, the obstruction of these historic elements effects the integrity and the historic feel of the area, as well as, the maintenance and protection of the architectural features; and,

**WHEREAS**, Staff recommends adding Article VII, "Structures within the Strand/Mechanic Historic Area", to protect, enhance, promote and maintain the architectural features of landmarks, properties and structures due to the historical importance of those features on landmarks, properties and structures in the historic district; and,

**WHEREAS**, on July 15, 2019, the Landmark Commission reviewed the provisions of this Ordinance and recommended approval; and,

**WHEREAS**, the City Council of the City of Galveston, Texas, deems it in the public interest to amend "The Code of the City of Galveston 1982, as amended", Chapter 23, "Nuisances", by adding Article VII., "Structures within the Strand/Mechanic Historic Area", to provide for the protection, enhancement and perpetuation of the Strand/Mechanic Historic District's architectural history.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:**

**SECTION 1:** The findings and recitations set out in the preamble to the Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

**SECTION 2.** The Code of the City of Galveston 1982, as amended, Chapter 23, “Nuisance”, is hereby amended by adding Article VII., to read and provide as follows:

**ARTICLE VII. Structures within the Strand/Mechanic Historic Area**

**Sec. 23-107 to 109 Reserved.**

**Sec. 23-110. - Applicability**

This Article applies to those structures located within the boundaries of the Strand/Mechanic Historic District as indicated on the City of Galveston’s official zoning map.

**Sec. 23-111. - Purpose**

The protection, enhancement, and perpetuation of the Strand/Mechanic Historic District is a public necessity required in the interest of the health, prosperity, safety and welfare of the people of the city. This Article is intended to:

- a) Accomplish the protection, enhancement and perpetuation of the Strand/Mechanic Historic District’s architectural history;
- b) Safeguard the city's historic and cultural heritage, as embodied in the Strand/Mechanic Historic District;
- c) Foster civic pride in the beauty and accomplishments of the Strand/Mechanic Historic District;
- d) Protect and enhance the Strand/Mechanic Historic District attraction to residents, tourists and visitors;
- e) Support the business, industry and economy of the city and particularly the Strand/Mechanic Historic District; and
- f) Support the use of the Strand/Mechanic Historic District for the good of all people.

**Sec. 23-112. - Definitions**

As used in this article, unless the context clearly requires otherwise, the words defined in this section have the following meanings:

Architectural feature means the interior or exterior surface of a door along with its hinges and hardware; features on the exterior of the building such as name and or date plates; brick surfaces, cast iron columns; porticos; transoms, entablatures, cornices, escutcheon plates; cast stone, cast-crete, terra cotta, cornerstones, wood framed windows, window hoods of brick, cast iron, sheet metal, wood, or stone; or keystones on any premises within the Strand/Mechanic Historic District.

Commission means the Landmark Commission of the City of Galveston.

Premises means any building, structure, landscape feature, work of art or other object or fixture which is all or part of any physical betterment of real property.

Obscure means to conceal or prevent from being seen partially or completely.

**Sec 23-113. - Obscuring architectural features**

- a) No owner or occupant of any premises covered under this article shall obscure, either temporarily or permanently, any architectural feature of the premises by any means, including the placement of items for sale by the owner or occupant of the premises or other displays.
- b) The prohibition in the preceding item does not include maintenance of the architectural feature by the application of paint ( or like protective matter) to the feature in compliance with the Design Standards for Historic Properties.
- c) The placement of any object to hold an exterior door open does not obscure the architectural features of the door as long as both the exterior and interior surfaces are available for viewing and the object holding the door open is the smallest size needed to accomplish the task of keeping the door open.
- d) This section does not prohibit the display of goods within a glass portion of a door or window of the premises with a platform adjacent to the window on which goods are placed for display for the viewing public.

**Sec. 23-114. - Review by Landmark Commission**

- a) An owner or occupant of a premises covered by this Article may request a Certificate of Appropriateness for the placement of any item which will obscure an architectural feature of the premises.
- b) Applications for a Certificate of Appropriateness will be filed with the Department of Development Services on a form prescribed by the department.
- c) The Landmark Commission will approve the application for the placement of an item which will obscure an architectural feature upon a finding that:
  - i) There is no practical alternative to the placement of the item;
  - ii) The placement is done in such a way as to minimize the obscuring of the architectural feature, and
  - iii) The placement of the item enhances the appearance of the architectural feature.
- d) The decision of the Landmark Commission may be appealed to the Zoning Board of Adjustments and Appeals, and as provided in the Land Development Regulations.

**Sec. 23-115. - Article declared supplemental.**

The provisions of this Article shall be supplemental to all other provisions of the Galveston City Code.

**Sec. 23-116. - Penalty.**

Any violation of this Article shall be punishable by a fine not to exceed five hundred dollars (\$500.00). Each day is a new violation.

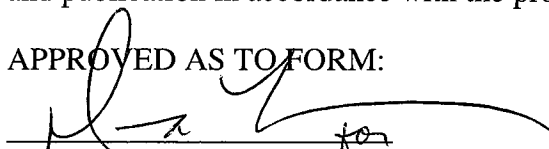
**SECTION 3.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**SECTION 4.** All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 5.** In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

**SECTION 6.** This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

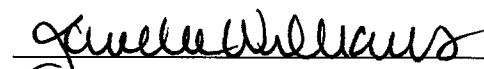
APPROVED AS TO FORM:

  
DONALD S. GLYWASKY  
CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Special meeting held on September 12, 2019, as the same appears in records of this office.

**IN TESTIMONY WHEREOF**, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 13th day of September, 2019.



  
Secretary for the City Council  
Of the City of Galveston